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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,558	03/24/2004	Masahide Maruyama	351778.03810	8002
7590 09/07/2004				
DOYLE B. JOHNSON REED SMITH LLP Suite 2000 Two Embarcadero Center San Francisco, CA 94111			EXAMINER COLILLA, DANIEL JAMES	
			ART UNIT 2854	PAPER NUMBER
DATE MAILED: 09/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/809,558	<b>Applicant(s)</b> MARUYAMA, MASAHIDE	
	<b>Examiner</b> Daniel J. Colilla	<b>Art Unit</b> 2854	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/590,641.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-9 are objected to because of the following informalities:

In claim 1, line 3, it appears that “deetect” should actually be --detect--.

In claims 1, 4 and 7, applicant recites at the beginning of each claim, “In a roll-like printing paper wound around a paper spool,” but then fails to positively recite either a roll-like printing paper or a paper spool rendering the scope of the claim vague and indefinite. It is not clear if applicant intends to recited both the paper and the spool or just the spool.

In claims 3, 6, 9, the term, “at least one opening end face” appears to inaccurately describe the positioning of the mark. “End face” would suggest the flat end portion of the spool

2. However applicant also recites that the marks are located on, “the inner surface of said paper spool.” This would seem to conflict with the mark being on the end face. However, it appears from applicant’s drawings that he intends to mean the inner surface of the spool 2 and thus it will be examined as such.

Claims 4 and 7 are objected to because the phrase “a detection portion for detecting a rotation” is ambiguous. The detection portion does not actually do the detecting. It appears the phrase, --a detecting portion used for detecting a rotation-- would be more accurate.

In claim 4, line 3, it appears that “rotatiion” should actually be --rotation--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Takada (JP 5-16499).

With respect to claim 1, Takada discloses a roll-like printing paper 2 wound around a paper spool 9 which has a detection portion 15 located thereon for detecting rotation (see paragraphs [0012] and [0013] of the machine translation of Takada).

With respect to claim 2, Takada discloses that the detection portion 15 is a notch as shown in Figure 2 of Takada.

4. Claims 1, 3, 4, 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Showalter (US 5,268,581).

With respect to claim 1, Showalter discloses a roll-like media 20 which can be paper as mentioned in reference to the “paper low” alarm in col. 5, lines 40-41 of Showalter. Further disclosed is a paper spool 12 with a detection portion 12 formed thereon as shown in Figure 7 of Showalter. In col. 5, lines 27-30, Showalter discloses that the velocity of the spool 12 can be determined by measuring the time between the leading edges of the detection portion 10 (barcode elements).

With respect to claim 3, Showalter discloses that the detection portion 12 can be a mark (barcode) also shown in Figure 7.

With respect to claims 4 and 7, Showalter discloses the claimed roll-like printing paper wound around a paper spool as mentioned in the above prior art rejection of claim 1 and further discloses a pair of printing paper roll presses 22 for rotatably supporting the paper spool 12.

With respect to claims 6 and 9, Showalter discloses that the detection portion 12 can be a mark (barcode) also shown in Figure 7.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada (JP 5-16499), as applied to claims 1 and 2 above, and further in view of Sakamoto (JP 2000095397).

With respect to claims 5 and 8, Takada discloses the claimed roll-like printing paper wound around a paper spool except for the printing paper roll presses. However, Sakamoto teaches a roll paper holder with printing paper roll presses 6 and 7 as shown in Figures 4-5 of Sakamoto. It would have been obvious to combine the teaching of Sakamoto with the roll-like printing paper wound around a paper spool disclosed by Takada for the advantage of guiding the edges of the paper as it is unwound from the spool.

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kizawa is cited to show another example of detecting rotation of a spool. Johnson and Charropin et al. are cited to show another example of detecting a mark on the inside of a spool.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (571)272-2157. The examiner can normally be reached Mon.-Thur. between 7:30 am and 6:00 pm. Faxes regarding this application can be sent to (703)872 - 9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (571)272-2168. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 31, 2004



Daniel J. Colilla  
Primary Examiner  
Art Unit 2854